

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR A COMPLAINT**

1. I have been an Agent since June 1996. As part of the daily duties as an HSI Special Agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of Title 18, U.S.C. §§ 2251 and 2252A. I have gained experience through training in seminars, classes, and daily work related to conducting these types of investigations. Specifically, I have received formal training through U.S. Customs, HSI, and other agencies in the area of child pornography, pedophile behavior, collectors of other obscene material, and internet crime. I have participated in the execution of numerous search warrants, of which the majority has involved child exploitation and/or child pornography offenses. Many of the child exploitation and/or child pornography search warrants resulted in the seizure of computers, cell phones, magnetic storage media for computers, other electronic media, and other items evidencing violations of federal laws, including various child exploitation offenses found in Chapter 110 of Title 18 of the United States Code. I have also participated in the execution of numerous search warrants for online accounts, such as email accounts, online storage accounts and other online communication accounts related to child exploitation and/or child pornography. In the course of my employment with the HSI, I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media and within online accounts.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

3. This affidavit is made in support of a criminal complaint and arrest warrant for

**Johnny William KYTE, Jr.**, born in 1958, for violation of Title 18, United States Code, Section 22521(a) (production of child pornography) and 18 U.S.C. § 2252A(a)(5)(B) (possession of child pornography).

4. The statements in this affidavit are based in part on information and reports provided by the Elkton Police Department and on my experience and background as an HSI Special Agent. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.

#### **PROBABLE CAUSE**

5. On September 10, 2020 at approximately 2022 hours, officers of the Elkton Police Department responded to a residence located at 159 Hollingsworth Manor, Elkton, MD in reference to a complaint from M.K. M.K., who lives at the residence, stated that she discovered multiple compact discs containing child pornography at the residence. M.K. has lived at the residence for many years with **Johnny William KYTE, Jr.** (hereinafter “**KYTE**”). At the time that M.K. placed the call to the Elkton Police Department, **KYTE** was detained at the Cecil County Detention Center, in Elkton, Maryland, serving an 18-month sentence for sex offense third degree.

6. M.K. advised officers of the Elkton Police Department that she discovered 27 gold compact discs inside of a purple case. She stated that she had previously seen **KYTE** carrying the purple case around the residence. When asked how she knew the discs contained child pornography, M.K. advised she looked at one of the discs, which bore the date “12/21/04,” and saw little girls posing naked. M.K. further advised that she observed a grown man in the picture with his erect penis out next to the little girl. M.K. provided consent for the officers to view the disc, which she stated contained child pornography.

7. Elkton PD Officer Tuer used a computer at the residence to view the images on the disc labeled “12/21/04.” He observed multiple images of white prepubescent females, posing with their vaginas exposed. Officer Tuer also observed an image of a white prepubescent female laying down, wearing a flowered dress and naked from the waist down. There was an adult male laying behind the prepubescent female, and the adult male was attempting to insert his erect penis inside of the prepubescent female’s vagina.<sup>1</sup>

8. M.K. further identified two black hard drives located at 159 Hollingsworth Manor, Elkton, MD, as belonging to **KYTE**. These hard drives were located under the computer that was used to view the disc labeled “12/21/04.” M.K. insisted that the police officers remove the discs and other digital devices belonging to **KYTE** from the residence. M.K. provided consent for the officer to take the following items from the residence: (1) a purple case containing 27 compact discs (including the disc labeled “12/21/2004”); (2) two Elements hard drives; (3) a blue Western Digital hard drive; (4) a Gateway desktop computer; and (5) an E-Machines desktop computer. M.K. also informed officers that she believes there were more laptops and hard drives in the shed in the back yard.

9. On September 11, 2020, a state search and seizure warrant for the residence located at 159 Hollingsworth Manor, Elkton, Maryland 21921 was authorized by the Honorable Judge Baynes. At approximately 1000 hours on this same day, law enforcement executed the search and seizure warrant at 159 Hollingsworth Manor, Elkton, MD 21921. M.K. was present at the time the warrant was executed. The following items were seized pursuant to the warrant: three laptops, a Sony Handycam video camera, a Samsung digital camera, an IBM hard drive, a Compaq Presario

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<sup>1</sup> I have viewed the images contained on the Samsung Digital Premium 700MB disc labeled “12/21/04” and determined that based on my training, knowledge, and experience, many of the images contained on the disc labeled “12/21/04” constitute child pornography, that is, a visual depiction of a minor engaged in sexually explicit conduct as defined in 18 U.S.C. § 2256(8).

computer, an external hard drive, 8 flash drives, 5 VHS tapes, 9 mini compact discs, a Ziploc bag of computer cords, and 167 pieces of removable media.

10. On September 17, 2020, Detective Leffew received a phone call from M.K. informing him that she had located some additional items she believed contained child pornography. Based on this information, Detective Leffew authored a second state search and seizure warrant for 159 Hollingsworth Manor, Elkton, Maryland. The warrant was authorized by the Honorable Judge Baynes. Detective Leffew met with M.K., who directed him to a dresser drawer in the residence that contained one Toshiba external hard drive, one Fantom Drive external hard drive, and 12 compact discs contained within a container labeled "Ford Focus."

11. On September 21, 2020, a state search warrant for all of the electronic devices seized from the residence was authorized by the Honorable Jane Cairns Murray, Judge of the Circuit Court, Cecil County.

12. On September 28, 2020, all of the items seized from the residence located at 159 Hollingsworth Manor, Elkton, MD were turned over to Homeland Security Investigations for forensic analysis.

13. On September 29, 2020, Computer Forensic Examiner Gibson began forensically analyzing the digital devices.

14. The forensic analysis of a Lexar 128MB SD card (made in Taiwan), which was seized from the residence, revealed a series of 11 unique images of a prepubescent female. In eight of the eleven images, the prepubescent female is lying naked on the floor with her legs spread and her diaper open exposing her genitalia. The images had been deleted from the SD card, but were recovered forensically. Seven of the eleven images focus on the prepubescent female's genitalia, and in two images, there is what appears to be a dirty, adult male's left hand touching

the prepubescent female's genitalia. In one of the two images, the thumb and index finger on the adult male's left hand are spreading the lips of the minor's vagina. In the second image, the thumb on what appears to be an adult male's left hand is touching the left thigh of the prepubescent female. The EXIF<sup>2</sup> data embedded in the eleven unique images provided a date that the photos were taken, as August 15, 2009 between 0918 hours and 1134 hours. The EXIF data also indicated that all of the images were taken with a Kodak CX7530 Zoom digital camera.

15. On October 5, 2020, Detective Leffew spoke with D.C., an adult female relative of **KYTE**, who is the mother of three minor daughters: M.C., R.C. and A.C. D.C. identified the prepubescent female in the eleven images described in paragraph 14 above, as her daughter M.C. D.C. estimated that M.C. was approximately 2 years old at the time the images described in paragraph 14 were taken. D.C. stated that she was living with her two children in Rockville, Maryland at the time, and D.C. suggested that the only place these images could have been taken was at the **KYTE** residence located at 159 Hollingsworth Manor, Elkton, MD, because she and her daughters would sometimes spend the night with relatives, including **KYTE**, at 159 Hollingsworth Manor, Elkton, MD.

16. The forensic analysis of a Toshiba external hard drive, s/n: 44E5TY3WT1BB (made in the Philippines) which was seized from the residence on September 17, 2020 as referenced in paragraph 10 above, revealed additional sexually explicit images of minors believed to be M.C., R.C. and A.C. The EXIF data attached to some of the images indicate the images were taken with a variety of devices to include, a Kodak CX7530 Zoom digital camera, a Nikon D3000 camera, an Olympus VR340 D750 camera, an LG VS980 4G cell phone, and a Motorola Droid4

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<sup>2</sup> Exchangeable Image File Format (EXIF) data is specific information related to an image or other media captured by a digital device. It is capable of storing data such as make/model of device, camera exposure, device serial number, date/time the image was captured, and GPS location.

cell phone. The creation dates of the images range from August 15, 2009 to July 4, 2017. Several of these images are described as follows:

(a) One image, from a series containing 26 images, entitled “08142014 045.jpg” depicts a close up of a prepubescent female’s genitalia. In the image, the prepubescent female is wearing yellow/green underwear and her left hand is resting near her genitalia. Her fingernails are painted with bright pink nail polish. There is an adult male’s hand in the image. The index finger on the adult male’s left hand is being used to pull aside the prepubescent female’s underwear exposing her genitalia.

(b) There is a second image in this series entitled “08142014 033.jpg” that depicts an adult male’s hand pulling aside the yellow/green underwear on a prepubescent female to expose her genitalia. In this image, the prepubescent female’s right hand is resting just above her genitalia.

(c) The EXIF data embedded in image “08142014 045.jpg” and “08142014 033.jpg” revealed the creation date and time of the images as August 13, 2014 at 6:20 pm and August 13, 2014 at 6:12 pm, respectively.

(d) The victim depicted in these images is laying on a red plaid couch that was later identified by M.K., described further in paragraph 17 below, as having been located in the **KYTE** residence several years ago.

(e) The EXIF data also revealed that the two images were taken with an LG VS980 4G cell phone.

(f) The Toshiba external hard drive also contained hundreds of images and videos of known, previously identified victims in cases involving child exploitation matters. One such image is described as follows: “Vicky-Suckcum002.JPG” – an image depicting a minor female holding an adult male’s erect penis with both hands. The penis is resting against her chin and it

appears that her tongue is touching the head of the penis. This image depicts an identified/known victim from the Vicky NCMEC series.

17. Several other images discovered on the Toshiba hard drive, including images “08142014 045.jpg” and “08142014 033.jpg” described in paragraph 16 above, are believed to depict minor females M.C., R.C. and A.C. These images were cropped by law enforcement officers, to reveal only background details, and were sent to Detective Leffew. On November 6, 2020, Detective Leffew met with M.K. at 159 Hollingsworth Manor, Elkton, MD and showed her the cropped images. In one of the cropped images, M.K. identified a plaid couch as having been located in the residence several years ago. She was also able to identify the kitchen in the background of another cropped image as the kitchen in the residence. M.K. further identified a toolbox depicted in the background of one of the cropped images as belonging to her. M.K. advised that prior to building the backyard shed in or about 2017, the toolbox depicted in the image was located in the living room of the residence. M.K. was also able to identify the backyard in another cropped image, as being the backyard of the residence. She was also able to identify the swing set depicted in the image. M.K. stated the swing set used to be in the backyard at the residence, but was moved to their neighbor’s backyard in 2018 (Detective Leffew was able to take a picture of the swing set that is presently located in the backyard of M.K.’s neighbor). M.K. was also able to identify a black recliner chair in one of the cropped images as belonging to her, and she stated that it was located in the residence at one point in time, but she is unsure of the year that the recliner was in the residence.

18. On November 17, 2020, I met with Detective Leffew, and he informed me that when law enforcement served the search and seizure warrant at the residence on September 11, 2020, that law enforcement did not take all of the electronic devices that were located in the

residence or the shed located on the premises. Detective Leffew stated that they left removable media and old computers that appeared old and were covered with dust. Additionally, Detective Leffew stated the shed in the backyard of the residence was “packed” and they only “scratched the surface” when searching for evidence. Detective Leffew also stated that M.K. had told him that she began cleaning out the house and the shed because she had a new boyfriend, and she did not want **KYTE** to come back to the residence after he was released from jail.

19. On December 4, 2020, I met with D.C. at the Elkton Police Department to show her some of the images located on the Toshiba external hard drive, which had been seized from the residence. D.C. specifically identified the prepubescent female in the image described in paragraphs 14 and 16 above as her daughter M.C., who was a minor at the time the images were taken. D.C. was also able to identify the background in the images as that of the residence located at 159 Hollingsworth Manor, Elkton, MD. Further, in several other sexually explicit images that were located on the Toshiba hard drive seized from the residence, D.C. was able to identify M.C., R.C. and A.C. as being depicted in the sexually explicit images.

20. On December 14, 2020, HSI Baltimore Special Agents, with the assistance of the Maryland State Police and Elkton Police Department executed a federal search warrant at **KYTE**'s residence located at 159 Hollingsworth Manor, Elkton, MD 21921. Items located and seized from the residence by law enforcement included: (1) a Kodak CX7530 Zoom digital camera; (2) a Nikon D3000 digital camera, and (3) an LG VS980 cell phone, all of which were previously associated with EXIF data related to the sexually explicit images of minors M.C., R.C. and A.C.

### **CONCLUSION**

21. Based upon the foregoing information set forth in this application, I respectfully submit that there is probable cause to believe that **Johnny William KYTE, Jr.** violated Title 18,




United States Code, Section 2251(a) (production of child pornography) and 18 U.S.C. § 2252A(a)(5)(B) (possession of child pornography).

CHRISTINE D  
CARLSON

Digitally signed by  
CHRISTINE D CARLSON

Special Agent Christine D. Carlson  
Homeland Security Investigations

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) on this 11 day of January, 2021

  
HONORABLE THOMAS M. DIGIROLAMO  
UNITED STATES MAGISTRATE JUDGE